UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

Comcast of Southern New England, Inc.) Case No.: 1:05-cv-10869 WGY
Plaintiff,) PLAINTIFF'S REQUEST) FOR ENTRY OF DEFAULT
VS.)
Michael DeSouza))
Defendant))
)
	_)

Now comes the Plaintiff Comcast of Southern New England, Inc. (hereinafter "Comcast" or the "Plaintiff") in the above-entitled action and requests this Honorable Court to enter a default against Defendant Michael DeSouza (hereinafter the "Defendant"), in this action.

As reasons therefore, the Plaintiff states that Defendant has failed to appear, has failed to serve a responsive pleading, and has failed to otherwise defend against the Plaintiff's claims, pursuant to Rule 12 of the Fed. R. Civ. P.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter a default against Defendant. The Affidavit of Plaintiff's Attorney reciting compliance with Rule 12 and Rule 55 of the Fed. R. Civ. P. is annexed hereto and made a part hereof.

Respectfully Submitted for the Plaintiff, Comcast of Southern New England, Inc. By Its Attorney,

Green, Miles, Lipton & Fitz-Gibbon LLP

77 Pleasant Street P.O. Box 210

Northampton, MA 01061 Telephone: (413) 586-0865

BBO No. 556328

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CERTIFICATE OF SERVICE

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 1st day of September, 2005, a copy of the foregoing Request for Default was mailed first class to:

Michael DeSouza 12 Wordell Street South Dartmouth, MA 02748

> /s/ John M. McLaughlin John M. McLaughlin, Esq.

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

Comcast of Southern New England, Inc.) Case No.: 1:05-cv-10869 WGY
Plaintiff,) AFFIDAVIT OF ATTORNEY FOR
) PLAINTIFF'S REQUEST
vs.) FOR DEFAULT
Michael DeSouza)
Defendant)
)
)

Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action, and, on oath, states the following:

- 1. On 4/28/2005, the Plaintiff filed a Complaint against the Defendant, **Michael DeSouza**, in United States District Court, alleging violations of 47 U.S.C. § 553.
- 2. On 5/6/2005, the said Defendant was served by delivering at last and usual place of abode, by Deputy Sheriff Paul M. Douglas (see copy of Deputy Sheriff's Return of Service marked <u>Exhibit A</u>, attached hereto, and made a part hereof).
- 3. Pursuant to the provisions of Rule 12 of the Fed. R. Civ. P., the Defendant had twenty days after being served with the summons and complaint within which to serve an answer to Plaintiff's Complaint.
- To date, the Defendant has failed and neglected to file an answer to Plaintiff's Complaint or to otherwise defend against Plaintiff's claims.
- 5. I have filed herewith an application for entry of default, with the request that a Notice of Default be entered by this Court.

6. I have attached a Form of Order entitled Notice of Default, for the Court's use if it shall determine that the said Defendant is in default.

Subscribed and sworn to, under the pains and penalties of perjury, this 1st day of September, 2005.

Respectfully Submitted for the Plaintiff, Comcast of Southern New England, Inc. By Its Attorney,

/s/ John M. McLaughlin
John M. McLaughlin
Green, Miles, Lipton & Fitz-Gibbon LLP
77 Pleasant Street
P.O. Box 210
Northampton, MA 01061
Telephone: (413) 586-0865
BBO No. 556328

United States District Court

District of Massachusetts

Comcast of Southern New England Inc

SUMMONS IN A CIVIL CASE

Michael DeSouza

CASE NUMBER:

05-10869 WGY

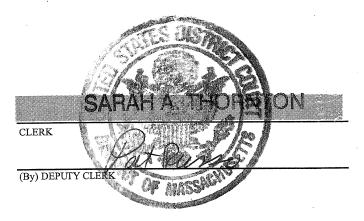
TO: (Name and address of Defendant)

Michael DeSouza 12 Wordell Street South Dartmouth, MA 02748

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John M. McLaughlin Green Miles Lipton & Fitz-Gibbon 77 Pleasant Street P.O. Box 210 Northampton, MA 01061

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.



DATE

	Briefol County Denuty Charle	ifs' Office • P.O. Box 8928 • New Bedi	ford, MA 02742-0928 • (508) 992-6631
	Bristol, ss.	ing gilling 1 .c. box cozo - Now boar	
			May 16, 2005 —
ummons ollowing a Vordell Si ddress on \$20.00), I	and Complaint, CA Cover S manner: To wit, by leaving a treet South Dartmouth, MA 5/6/2005. Copies (\$4.00), (heet, Disclosure Stmt., Case Cover t the last and usual place of abode of 02748 and by mailing first class m Conveyance (\$0.75), Travel (\$23.00), Attest Fee (\$10.00) Total Charge	Sheet in this action in the of Michael DeSoufa, 12 all to the above mentioned
!	Other (specify):		
TID A VIEW		STATEMENT OF SERVICE FEES	Image
TRAVEL		DECLARATION OF SERVER	TOTAL
	I declare under penalty of p contained in the Return of Service and Executed on Date	erjury under the laws of the United States of And Statement of Service Fees is true and correct. Signature of Server	merica that the foregoing information
		Address of Server	

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

Comcast of Southern New England, Inc.) Case No.: 1:05-cv-10869 WGY
Plaintiff,	ORDER FOR NOTICE OF REQUEST FOR DEFAULT
vs.)
Michael DeSouza,)
Defendant)))
plead or otherwise defend, as provided by R	an order of default for failure of the Defendant to tule 55(a) of the Federal Rules of Civil Procedure, has been DEFAULTED this day of
F	BY THE COURT
Ī	Deputy Clerk